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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General provided pursuant to Commission on Human Rights decision 1992/106

1. The Commission on Human Rights, in its decision 1992/106, postponed to its forty-ninth session the debate under the agenda sub-item entitled "Question of human rights in Cyprus", it being understood that "action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation". The present report is provided pursuant to that decision.

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. It considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities. It also called for the tracing of and accounting for missing persons in Cyprus without any further delay; and called for the restoration and respect of human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

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* Re-issued for technical reasons.

3. The Secretary-General, in his report to the Security Council of 3 April 1992 (S/23780) informed the members of the Council, pursuant to their request (S/23316), that no progress had been made on convening a high-level international meeting for concluding an overall framework agreement.

4. In his report, the Secretary-General recounted the efforts that had been made in the preceding two years to prepare a Set of Ideas for an overall framework. He added that if similar progress could be made on the outstanding issues in the Set of Ideas, in particular territorial adjustments and displaced persons, an overall solution would be within reach.

5. The Secretary-General summarized the Set of Ideas which had emerged from extended contacts with the parties and which in his view constituted a fair solution on a significant number of elements of the overall agreement.

6. The Secretary-General reported that lack of progress was compounded by developments related to the United Nations Peace-keeping Force in Cyprus (UNFICYP), which made it unlikely that the United Nations would be able to maintain a peace-keeping presence in Cyprus in the present number. He shared the view of troop-contributing Governments that, apart from unsatisfactory financing arrangements, there was need for a critical look at long-lived operations such as UNFICYP and the peace-making process it supported.

7. On 10 April 1992, the Security Council, after considering the report of the Secretary-General of 3 April 1992, adopted resolution 750 (1992) in which the Council reaffirmed the position, set out in its resolutions 649 (1990) of 12 March 1990 and 716 (1991) of 11 October 1991, that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as defined in paragraph 11 of the Secretary-General's report in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession. The Council endorsed the Set of Ideas described in certain paragraphs of the Secretary-General's report as an appropriate basis for reaching an overall framework agreement, subject to the work that needed to be done on outstanding issues. It requested the Secretary-General to pursue his intensive efforts to complete the Set of Ideas during May and June 1992, to keep the Council closely informed and to submit a full report to the Council on the outcome of his efforts by July 1992.

8. On 13 July 1992, the members of the Security Council issued a statement through the President (S/24271), welcoming the separate meetings which the Secretary-General had held with the leaders of the two communities from 18 to 23 June 1992. The Council also noted with satisfaction that the discussions had focused on the issues of territorial adjustments and displaced persons and that the other six issues that make up the Set of Ideas on an overall framework agreement had also been reviewed. It furthermore expressed its satisfaction with the resumption of talks between the leaders of the two communities on 15 July which it considered to represent a determining phase in

the Secretary-General's efforts and called upon both leaders to be ready to take the necessary decisions to reach agreement on each of the issues as dealt with in the Set of Ideas.

9. Pursuant to Security Council resolution 750 (1992), the Secretary-General on 21 August 1992 presented a report (S/24472) to the Council in which he recounted the effort that had been made since April 1992 to complete the work on the Set of Ideas of an overall framework agreement. He described the proximity talks he had held with the two leaders at United Nations Headquarters from 18 to 23 June and from 15 July to 11 August 1992. He also reported on the joint meetings between the two leaders from 12 to 14 August with the purpose of negotiating an agreement on the basis of the Set of Ideas, including suggestions on territorial adjustments and displaced persons.

10. The Secretary-General reported that for the first time substantive discussions had taken place on territorial adjustments, but that the Turkish Cypriot side needed to show the necessary willingness to foresee an adjustment more or less in line with the suggestions embodied in the Set of Ideas, if the delicately crafted balance of the remainder of the Set of Ideas was to be maintained. He explained in his report that he understood the concern of the Turkish Cypriot side about the impact of the territorial adjustments on the population currently living in the affected area. There was no question of these persons becoming displaced persons or refugees, as the Set of Ideas made clear.

11. Concerning displaced persons, the Secretary-General welcomed in his report the acceptance by Mr. Denktash of the principle of the right to return and the right to property. At the same time, while expressing understanding for the practical difficulties involved in resolving the issues of displaced persons, the Secretary-General pointed out that the manner in which these difficulties were addressed ought not deny the principles of the right to return and the right to property.

12. The Secretary-General concluded his report by stating that the continuation of the status quo in respect of Cyprus was not a viable option. He believed it necessary for the Council to give serious consideration to alternative courses of action for resolving the Cyprus problem, should no agreement emerge from talks to be reconvened in October. He annexed to his report the Set of Ideas on an overall agreement, including suggested territorial adjustments reflected in a map.

13. On 26 August 1992, the Security Council, after considering the report of the Secretary-General of 21 August 1992, adopted resolution 774 (1992) in which it reaffirmed all of its previous resolutions on Cyprus. It endorsed the Set of Ideas, including suggested territorial adjustments reflected in the map contained in the annex to the Secretary-General's report of 21 August 1992, as the basis for reaching an overall framework agreement. The Council agreed with the view of the Secretary-General that the Set of Ideas as an integrated whole had been sufficiently developed to enable the two sides to reach an overall agreement. Regarding a time-frame, the Council expressed its expectation that an overall framework agreement would be concluded in 1992. It called on the Secretary-General to recommend to the Council alternative

courses of action for resolving the Cyprus problem should an agreement not emerge from the talks to be reconvened in October and asked him to present a full report on the talks prior to the end of 1992.

14. Pursuant to Security Council resolution 774 (1992), the Secretary-General provided the Council on 19 November 1992 with a report (S/24830) on the resumed joint meetings between the two leaders, which lasted from 28 October to 11 November 1992. He reported that the outcome of the joint meetings had not met expectations despite extended face-to-face discussions; an overall framework agreement had not materialized.

15. The Secretary-General recalled that the Set of Ideas emerged from a sustained effort during the past several years, in the course of which the text was successively refined to take into account the legitimate concerns and interests expressed by each side. This process received a particular impetus from discussions which United Nations representatives had with senior officials of the Foreign Ministry of Turkey in 1990 and 1991. The result of the process has been a Set of Ideas that provides the basis for a fair solution - a compromise, but one that safeguards the basic interests of each side.

16. The Secretary-General described the position expressed by each side on each of the eight headings of the Set of Ideas and noted that differences remained between the positions of each side and the Set of Ideas. In his view some of them were amenable to harmonization at resumed joint meetings in March 1993. Others voiced by the Turkish Cypriot side were, in a fundamental way, at variance with the Set of Ideas. The Secretary-General identified the variance under three headings: the concept of federation, displaced persons and territorial adjustments.

17. With regard to the concept of federation, the Secretary-General said that the thrust of the position of the Turkish Cypriot side was based on the premise that there were at present two sovereign States with equal rights and that they would remain effectively sovereign in a future federation. He recalled that the resolutions of the Security Council concerning Cyprus from 1964 onwards had sought to preserve the territorial integrity and unity of Cyprus.

18. Concerning displaced persons, the Secretary-General reported that Mr. Denktash took a position which had as its objective to have the two communities live separately, as practically homogeneous ethnic groups, which was incompatible with the Set of Ideas. The Turkish Cypriot side contended that a takeover of properties had taken place in 1974, which carried with it the acquisition of rights of ownership in respect of such property. As a consequence of this, the Turkish Cypriot side demanded that any Turkish Cypriot who relocated from the area to be affected by the territorial adjustment was also to be compensated for the land/houses which he/she possessed in the affected areas, irrespective of whether or not he/she had owned the property or even lived in Cyprus in 1974. Furthermore, with regard to compensation, Mr. Denktash had made assertions regarding the value of properties of Greek Cypriot displaced persons in the north and that of Turkish Cypriot displaced persons in the south, which did not correspond with available information.

19. Concerning territorial adjustments, the Secretary-General reported that Mr. Denktash refused to accept the map included in the Set of Ideas, even as a basis for discussion.

20. The Secretary-General noted from the recent joint meetings that there was a deep crisis of confidence between the two sides. In his report, he therefore set forth a number of confidence-building measures which, in his view, would help to enhance the goal of the forthcoming joint meetings to conclude an overall agreement on the basis of the entire Set of Ideas endorsed by the Security Council.

21. On 25 November 1992, the Security Council, after considering the report of the Secretary-General of 19 November 1992, adopted resolution 789 (1992) in which it welcomed the agreement of both sides to meet again with the Secretary-General in early March 1993. The Council reaffirmed all its previous resolutions on Cyprus, including resolutions 365 (1974), 367 (1975), 541 (1983), 550 (1984) and 774 (1992); reaffirmed also its endorsement of the Set of Ideas including the territorial adjustments reflected in the map contained in the annex to the report of the Secretary-General of 21 August 1992 (S/24472) as the basis for reaching an overall framework agreement; reaffirmed further its position that the present status quo was not acceptable and that an overall agreement in line with the Set of Ideas should be achieved without further delay; and noted that the recent joint meetings did not achieve their intended goal, in particular because certain positions adopted by the Turkish Cypriot side were fundamentally at variance with the Set of Ideas. The Council called upon the Turkish Cypriot side to adopt positions that were consistent with the Set of Ideas.

22. To facilitate the completion of an overall agreement, the Council urged all concerned to commit themselves to the following confidence-building measures: (a) that, as a first step towards the withdrawal of non-Cypriot forces envisaged in the Set of Ideas, the number of foreign troops in the Republic of Cyprus undergo a significant reduction and that a reduction of defence spending be effected in the Republic of Cyprus; (b) that the military authorities on each side cooperate with the United Nations Peace-keeping Force in Cyprus in order to extend the unmanning agreement of 1989 to all areas of the United Nations-controlled Buffer Zone where the two sides are in close proximity; (c) that, with a view to the implementation of resolution 550 (1984), the area at present under the control of the United Nations Peace-keeping Force in Cyprus be extended to include Varosha; (d) that each side take active measures to promote people-to-people contact between the two communities by reducing restrictions on the movement of persons across the Buffer Zone; (e) that restrictions imposed on foreign visitors crossing the Buffer Zone be reduced; (f) that each side propose bi-communal projects, for possible financing by lending and donor Governments as well as international institutions; (g) that both sides commit themselves to the holding of a Cyprus-wide census under the auspices of the United Nations; and (h) that both sides cooperate to enable the United Nations to undertake, in the relevant locations, feasibility studies (i) in connection with the resettlement and rehabilitation of persons who would be affected by the territorial adjustments as part of the overall agreement, and (ii) in

connection with the programme of economic development that would, as part of the overall agreement, benefit those persons who would resettle in the area under Turkish Cypriot administration.

23. The Council requested the Secretary-General to keep the Council informed on the implementation of the above confidence-building measures; also requested the Secretary-General to maintain such preparatory contacts as he considered appropriate before the resumption of the joint meetings in March 1993, and to propose for the Security Council's consideration revisions in the negotiating format to make it more effective. It further requested the Secretary-General, during the March 1993 joint meetings, to assess developments on a regular basis with the Council with a view to considering what further action may be needed by the Council and to submit a full report after the conclusion of the joint meetings that will resume in March 1993.

24. Pending a settlement, the United Nations force in Cyprus (UNFICYP) has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots living in the northern part of the island, whose number stood at 544 at the end of November 1992. UNFICYP officers have continued to interview Greek Cypriots, in private, who applied for "permanent transfer" to the southern part of the island in order to verify that the transfer was voluntary. Five such transfers took place during the period 1 December 1991 to 30 November 1992. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots from the Karpas area to the southern part of the island for family and other reasons. During the above-mentioned period, there were about 900 such temporary transfers. UNFICYP continued to assist in arranging contact between Maronites living on the island, 250 of whom reside in the northern part of the island, and to deliver foodstuffs and other supplies provided by the Cyprus Government. UNFICYP also continued its periodic visits to Turkish Cypriots living in the southern part of the island and assisted in arranging family reunion visits for Turkish Cypriots. The Force continued to provide emergency medical services, including medical evacuation of civilian members of both communities residing in the north. Difficulties that had arisen with the transport of Turkish Cypriot patients to hospital in the south in the first half of 1992 were satisfactorily resolved.

25. A number of issues concerning the Greek Cypriots living in the Karpas region remained unresolved. Humanitarian support continued to be hampered by customs duties levied on supplies deemed to be non-humanitarian in nature by the Turkish Cypriot authorities. Textbooks were not delivered to Greek Cypriot elementary schools in the Karpas region in time for the 1992 academic year; UNFICYP had obtained the texts in early May 1992, but the Turkish Cypriot authorities reviewed them for an inordinate time and then refused 35 out of 89 on the grounds that the books contained material considered offensive to Turkish Cypriots. UNFICYP continued to request that Turkish Cypriot authorities loosen the current tight restrictions on the frequency and duration of temporary transfers to the south by Greek Cypriots living in the north. Furthermore, UNFICYP continued its efforts to facilitate relations in Pyla, a bi-communal village located in the Buffer Zone; this included the police control point operated by the Government of Cyprus on the Lacarna-Pyla road, south of the Buffer Zone, which continued to block the flow of tourists and other visitors to Pyla. Initiation of projects in Pyla by the Turkish Cypriot authorities without the required notification to and permission of

UNFICYP raised tensions. Finally, UNFICYP continued to pursue discussions with the parties in order to facilitate telephone communications between Turkish Cypriot residents of Pyla and the north.

26. UNFICYP continued to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR), as coordinator of United Nations humanitarian assistance to needy displaced persons in Cyprus. The Force also maintained close cooperation and liaison with the respective police authorities on matters of inter-communal aspects.

27. Between 1 December 1991 and 30 November 1992, the Committee on Missing Persons in Cyprus (CMP) held 10 sessions comprising 36 meetings, of which 24 were attended by the 3 members of the Committee and their assistants (formal meetings) and 12 were attended solely by the 3 members (informal meetings). A communique was issued on 10 April 1992 explaining some of the difficulties the Committee was facing.

28. The Secretary-General stated in his report on the operation in Cyprus of 1 December 1992 (S/24917) that the progressive reductions in the strength of the Force by troop-contributing Governments, largely due to financial reasons, have reduced the Force's ability to provide humanitarian support to the two communities.

29. The activities of UNFICYP, including those relating to its humanitarian responsibilities, are described in the Secretary-General's most recent reports to the Security Council on the operation in Cyprus (S/24050 and S/24917). A full account of the Secretary-General's recent mission of good offices in Cyprus is contained in his last two reports to the Security Council (S/24830 and S/24470).